

USAWC STRATEGY RESEARCH PROJECT

**GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986
RECOMMENDATION FOR ORGANIZATIONAL REFORM.**

by

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The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

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ABSTRACT

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This Strategy Research Project is focused on the second purpose of the Goldwater-Nichols Department of Defense Reorganization Act (GNA) of 1986 which is to improve the military advice to the President, National Security Council, and Secretary of Defense. A review of the roles and functions of the members of the Joint Chiefs of Staff (JCS) will set the stage for the dilemma of the Service Chiefs/JCS. They are dual-hatted in their respective responsibilities. They have the inherent requirement to effectively provide the best military advice to the President, National Security Council, and Secretary of Defense as members of the JCS, while being responsible for the diverging responsibilities as the head of their service. This Strategy Research Project will discuss two major problems the Service Chiefs/JCS face in meeting their varied responsibilities: "Parochialism" and "Time". During the discussion, the paper will review the challenges the Service Chiefs maintain in their dual-hatted responsibilities, and it will discuss the element of time they have to effectively accomplish their duties. From this critical analysis, a recommendation will be provided to change the current structure of the JCS to a National Military Advisory Council (NMAC). This recommendation will allow the Service Chiefs to focus on their service responsibilities and allow the NMAC to focus on the current JCS responsibilities. This recommendation will improve the military advice to the President, National Security Council, and Secretary of Defense.

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GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986 RECOMMENDATION FOR ORGAIZATIONAL REFORM

It can be argued that the Goldwater-Nichols Department of Defense Reorganization Act (GNA) of 1986 and the Chairmen of the Joint Chiefs of Staff (JCS) who have lead since this legislation have made significant contributions to influence the nation. While there were eight purposes identified by Congress in passing the GNA, the focus of this paper is on the second purpose which is: To improve the military advice to the President, National Security Council, and Secretary of Defense.¹

After reviewing the roles and functions required of the members of the JCS, the dilemma is clear. The JCS have the challenge to effectively provide the best military advice to the President, National Security Council, and Secretary of Defense from a joint perspective, while they are also responsible as the Service Chiefs to argue the interests of their respective Armed Forces. The problem is they are part of a system that appears to be out of balance; a system that requires them to divide their interest, loyalties, and time between both responsibilities, which at times may be in conflict. This paper will critically examine these dual-hatted responsibilities and recommend a course of action to effectively resolve this dilemma. The thesis of this paper will focus directly on the question: Has the Goldwater-Nichols Department of Defense Reorganization Act of 1986 created the organizational structure that best provides military advice to the President, National Security Council, and Secretary of Defense?

To answer that question the paper will first focus on the salient background points of the 1986 GNA. Once it succinctly lays the foundation of the GNA's key points, the paper will identify both recent and pass issues concerning the roles and functions of the members of JCS. Specifically, it will look at the dual-hatted responsibilities possessed by the Service Chiefs and as members of the JCS under the two main issues of parochialism and time. Finally, the paper will recommend a change to the current structure of the military to improve the military advice to the President, the National Security Council, and Secretary of Defense.

Today, more than ever, the fast paced and globally complex Department of Defense political-military arena requires the National Command Authority to receive the best military advice in a timely fashion. It is of the up most importance to ensure the National Command Authority receives relevant, timely, and unbiased advice from the members of JCS and Service Chiefs. To transform the Department of Defense, compliment the current Revolution in Military Affairs, and ensure the United States military will succeed in the 21st century, we must have the

best organizational structure that allows our military leaders to fully execute their responsibilities!

BACKGROUND ON THE GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986.

Today, We often take the post-Cold war success of our Armed Forces for granted. From Haiti to Bosnia, to the Taiwan Strait, to Liberia, to the skies over Iraq, they have achieved great success at minimal cost in nearly fifty operations since Desert Storm. Quality people, superior organization, unity of command, and considerable skill in joint and combined operations have been central to that achievement. All these factors owe a great debt to the Goldwater-Nichols DoD Reorganization Act of 1986.²

—John M. Shalikashvili

Although the above quote was stated over six years ago, on the tenth anniversary of the GNA, it is still relevant today. The importance of this statement should remind strategic leaders to heed this thought when they are developing their future joint vision or designing their transformation. Concurrently, this statement by the former CJCS serves as a foundation in response to questions regarding whether or not the roles and functions of all the members JCS allow them to provide the best military advice to the President, National Security Council, and Secretary of Defense.

It is imperative to have an understanding of the GNA's key purposes before reviewing any possibilities of changes to the Act's legislation. This Act, which among other purposes significantly changed the responsibilities of the JCS, was drafted into public law after almost five years of public debate on 1 October 1986 by the 99th Congress of the United States of America and signed by the President of the United States. The organizational entity of a Joint Chiefs of Staff had its beginnings in the National Security Act of 1947. As backdrop, President Franklin D. Roosevelt in 1942 created the Joint Chiefs of Staff ad hoc during World War II to better organize the services to fight. In 1947 Congress established the Joint Chiefs of Staff by law as a permanent institution with the passage of the National Security Act. The National Security Act created the Joint Chiefs of Staff, the Joint Staff, and the Commanders in Chief of the unified commands, which were designed to provide policy advice that crossed individual service perspectives and unified plans and operational considerations in the conduct of military operations.³ In the late 1950s, President Eisenhower initiated a probe into defense organization which resulted in the following findings on the Joint Chiefs of Staff. "In 1957 the committee said there was an 'excessive workload . . . [and a] difficult mix of functions and loyalties' and blamed

'the system and not the member' for the poor quality of advice [the Joint Chiefs of Staff] provided to the National Command Authorities."⁴

Although there were several amendments to the 1947 National Security Act through the late 1950s, it was not until 1981 when the CJCS, (1978-1982), General D. C. Jones, United States Air Force, started voicing his opinion concerning defense organization reforms. Possible change was beginning on the horizon. When he attempted to internally reorganize various aspects of the joint system, he met substantial resistance in the Pentagon and began to speak out publicly in early 1982 to gather support from others.⁵

General Jones had reviewed numerous proposals for JCS reform. As background, these proposals stemmed back from problems with military command and control and execution during the Vietnam War. During the Vietnam War, warfighting responsibilities and authority issues were occasionally unclear. There were cases of service domination of war time operational issues and service control of the JCS that further confused the joint effort. Although some informal changes were incorporated in the latter years, between the Secretary of Defense and the Chairman of the JCS, the events that surrounded operations in Grenada and Beirut, Lebanon fueled JCS criticism by Congress. Service collaboration problems were again raised, and these issues begged reform.

The U.S. military intervention in Grenada in late October 1983 succeeded but raised troubling questions about interoperability and cooperation among the services. At nearly the same time as the Grenada action, the deaths of 241 U. S. Marines in a terrorists bombing of a Marine barracks in Lebanon brought criticism of a cumbersome military chain of command.⁶ The continued command and control problems and force and equipment interoperability problems demonstrated weakness in the joint system.

These incidents and a lack of the administration's resolve to fix organizational problems brought continued criticism. In 1985 President Ronald Reagan appointed a Blue Ribbon commission on defense management to examine progress already made in improving the management, organization, and decision making procedures of the DoD and propose further changes as required. The objectives for the commission included a review of JCS responsibilities. The calls for reform resulted in a comprehensive examination of the military structure by Congress, aided by outside Washington D. C. organizations, that eventually led to the Goldwater-Nichols Act.⁷

The GNA emphasized the need for the unfettered advice of the CJCS as the principal military advisor vice the collective advice of the other members of the Joint Chiefs of Staff to improve the advice to the President, National Security Council, and Secretary of Defense. An

additional main concern stemming from Congress was the fact that the services were not effectively integrating and providing joint warfighting capability, and the combatant commanders needed more authority to execute missions. This led to the Goldwater-Nichols Reorganization Act's eight purposes:

To reorganize DoD and strengthen civilian authority in the DoD; to improve the military advice provided to the President, National Security Council, and Secretary of Defense; to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands; to ensure that the authority of commanders of unified and specified combatant commands is fully commensurate with the responsibility of those commanders for the accomplishment of missions assigned to those commands; to increase attention to strategy formulation and contingency planning; to provide for the more efficient use of defense resources; to improve joint officer management policies; otherwise to enhance the effectiveness of military operations and improve DoD management and administration.⁸

It has been sixteen years since the GNA was signed into law. Most people who have studied and worked in the DoD would agree that overall Jointness has drastically improved. Since the GNA numerous initiatives have improved the Armed Services' joint operational success. My analysis of the GNA's success indicates they can be best clarified in six points of discussion:

- The first objective of the Goldwater-Nichols Reorganization Act was to enhance civilian authority in DoD, strengthening the Secretary of Defense's authority. Under requirements from the Goldwater-Nichols Reorganization Act, the Secretary of Defense published the defense planning guidance and more responsibilities went to Service Secretaries vice Service Chiefs.
- The Chairman Joint Chiefs of Staff is the principal military adviser to the President of the United States, National Security Council, and the Secretary of Defense, and they have visibly executed that role on many occasions.
 - Chairman Joint Chiefs of Staff in consultation with the Joint Chiefs of Staff and Combatant Commanders develops the National Military Strategy.
- The Chairman Joint Chiefs of Staff and Joint Staff are empowered to be the lead on joint issues. The Chairman basically maintains a degree of oversight over the Combatant Commanders, with the Secretary of Defense's approval, and is the lead spokesman concerning joint advice through the process and products of the Joint Strategic Planning System.

- CJCS initiates the Chairman Program Recommendation and the Chairman Program Assessment.
- Established the position of the Vice Chairman Joint Chiefs of Staff. The Vice Chairman Joint Chiefs of Staff has enhanced the productivity of the joint staff and the service's involvement in Jointness through the influence and processes of the Joint Requirements Oversight Council.
- Established the positions of Joint Specialty Officers and focused on improving the quality of officer in joint designated billets.
 - JSO tour is a requirement before an officer can be promoted to the Flag level.
 - Improved Joint Professional Military Education (JPME), especially at the Service Intermediate Level and Top Level Schools through formal curriculum guidance and assessments.
- Enhanced Chairman Joint Chiefs of Staff's ability to establish joint doctrine, planning, training, and joint interoperability.
 - Joint doctrine and joint publications established.
 - Joint Requirements Oversight Council (JROC) process and Joint Warfare Capabilities Assessments (JWCAs), and CJCS's exercise program.⁹

Even with all of these improvements in jointness and the institutional changes that have occurred to create these successes, the overarching issue is whether this Act needs to be revisited. Some of the questions that have been raised in the literature and in this paper are as follows: Do the roles and functions of all members of JCS allow them to provide the best military advice to the President, National Security Council, and Secretary of Defense? Is there possibly a better way to realign the Joint Chiefs of Staff's roles and functions? Is a comprehensive review of reform issues within the Department of Defense in order? Further, it can be justifiably argued that changes are needed based on the following. First, the legislation is sixteen years old and may have created organizations or structures that are not nimble enough to deal with the complex and fast moving current political/military environment. Second is whether the GNA is aiding or hampering with President Bush's administration's move to transform the Department of Defense. Finally, is the GNA helping with the focus of our Armed Services against terrorism and the possibility of a new "American Way of War".

While all of the reasons stated above could give justification for a comprehensive review of the legislation associated with the GNA, the focus of this paper is only on the second purpose of the Act: To improve the military advice to the President, National Security Council, and

Secretary of Defense. The next section of the paper will focus on the second purpose of the Goldwater-Nichols Reorganization Act, and review present and past concerns on the roles and functions of all the members of the JCS.

MILITARY ADVICE FROM THE JOINT CHIEFS OF STAFF. THE ISSUE OF “PAROCHIALISM” -- BALANCING SERVICE AND JOINT REQUIREMENTS.

While protecting parochial service interest can be a positive response if you are serving at the service headquarters; however, today and into the future, the U. S. Armed Forces will continue to serve and operate together. To achieve true Jointness, all U. S. Armed Forces’ officers must set their specific service interest aside (not their pride) in respect to joint interest to the Nation, the President of the United States, the Congress, and the Department of Defense.

Since the GNA’s debut in 1986, there have been numerous articles and debates on whether or not the GNA’s purposes and objectives have been effective. This debate continuous concerning the Act’s second purpose: “In enacting this Act, it is the intent of Congress, consistent with the congressional declaration of policy in Section 2 of the National Security Act of 1947 (50 U. S. C. 401)—(2) to improve the military advice provided to the President, the National Security Council, and Secretary of Defense”¹⁰

The first issue is whether or not the Joint Chiefs of Staff are in the appropriate position to balance service requirements and duties with requirements and duties as members of the Joint Chiefs of Staff. Because the Service Chiefs have dual responsibilities, can they effectively keep their advocacy of their service requirements transparent while providing advice on joint requirements. The major concern is the Service Chiefs’ “Parochialism” issue. One of the factors in the parochialism issue is distributing power among senior decision makers. As a former Under Secretary of Defense for Policy characterized this problem more than a decade ago:

The system is simply out of balance between service interest and joint interest. Because of the way it is set up there is a basic, built-in conflict of interest between the role of Joint Chiefs of Staff members and the role of service chiefs. Indeed, it was deliberately designed that way to protect parochial service interests even at the expense of the joint interests of the Nation, the President, the Congress, and the Department of Defense.¹¹

The base of this “sidebar” argument is: Is service parochialism healthy to the Department of Defense’s ability to develop the most effective strategy and needed capabilities to implement the National Military Strategy in concert with the National Security Strategy. The Service Chiefs, because of their dual responsibilities, have an inherent conflict of interest. Their Title 10 responsibilities to develop the capabilities of their respective service for employment by the

Combatant Commanders consist of: Recruiting, Organizing, Supplying, Equipping (including research and development), Training, Servicing, Mobilizing, Demobilizing, Administering (including the moral and welfare of personnel), Maintaining, the Construction, Outfitting, and repair of military equipment, the construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property.¹² Concurrent to these Service Chief responsibilities, they must also provide strategic advice on all military matters as a member of the JCS. Strategic advice to the President, National Security Council, and Secretary of Defense means offering unbiased advice as a member of the JCS without the conflicted interest of their respective service. Many believe the Service Chiefs are incapable of providing unbiased advice due to the fact that they maintain conflicting dual-hatted responsibilities. The below comment on the issue was raised by Peter Chiarelli while attending the National War College and is still a valid argument today.

Service Chiefs wear two hats: As advisors to the National Command Authorities and as advocates of parochial service interest. As a result divided loyalties have traditionally barred the Joint Chiefs of Staff from providing timely and effective advice to the President and the Secretary of Defense. After troubling operational experiences in Korea, Vietnam, and the Iranian hostage rescue mission, a hue and cry arose over reforming—or even replacing—Joint Chiefs of Staff as an institution. Following years of congressional hearings the Goldwater-Nicholas DoD Reorganization Act neither ended dual-hatting nor replaced JCS. It has, however, strengthened the role of the Chairman and promoted jointness. Organizational realignment under Goldwater-Nichols has not offset resource allocation problems which are what the services do 90 percent of the time.¹³

The focus of this argument is that providing effective advice to the President, National Security Council, and Secretary of Defense has been and will continue to be in jeopardy unless meaningful reform on this issue is initiated. In a latter section, this paper will examine a recommended Department of Defense reform to improve the military advice provided to the President, National Security Council, and Secretary of Defense.

While the above statement summarizes an inherent problem with dual-hatting the Service Chiefs, the real issue is whether the GNA created the best organizational structure to improve the military advice provided to the National Command Authority? Before the Act passed, it was Congress' belief that the individual services were too parochial in their views, and the National Command Authority was not receiving effective military advice. The Services Chiefs were said to be focused on their service's priorities and in effect this undermined the needed jointness to support the National Security requirements. The Service Chiefs were regarded as parochial, because of their inherent service interests and the amount of time devoted to their respective services versus joint issues.

Congress, understood this Service Chief dilemma, and instead of addressing it directly as this paper does later, enhanced the Secretary of Defense and the Chairman Joint Chief of Staff's roles and functions when they crafted the legislation. As an example, the Chairman Joint Chiefs of Staff was designated as the principal military adviser to the President, National Security Council, and Secretary of Defense. As such, he can deliver his formal advice without Joint Chiefs of Staff members' consensus. As the first Chairman to serve entirely under this legislation, former Chairman of the Joint Chiefs of Staff, General Collin Powell, stated, "The opportunities for logrolling and frustrating progress for parochial interests were severely curtailed. We no longer had to 'vote' on issues to determine what advice the chiefs were going to provide to the Secretary."¹⁴ The Chairman Joint Chiefs of Staff can go forth with his opinions and advice to the Secretary of Defense, but by law he must deliver the opposing advise in addition to his own advice. The below excerpt from the GNA amplifies the Chairman JCS's responsibilities in this area:

(2) Subject to subsection (d), in presenting advise with respect to any matter to the President, the National Security Council, or the Secretary of Defense, the Chairman shall, as he considers appropriate, inform the President, the National Security Council, or the Secretary of Defense, as the case may be, of the range of military advise and opinion with respect to that matter.

(d) Advice and Opinions of Members Other than Chairman.- (1) A member of the Joint Chiefs of Staff (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Chairman to the President, the National Security Council, or the Secretary of Defense. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time he presents his own advice to the President, the National Security Council, or the Secretary of Defense, as the case may be.¹⁵

The above 1986 Goldwater-Nichols Reorganization Act requirement may improve the military advice from the Service Chiefs to the President, National Security Council, and Secretary of Defense. On the other hand it could be argued that it can create the conditions to enable the Chairman to maintain an "iron fist" with the members of the Joint Chiefs of Staff. In the past the Service Chiefs have been reluctant to go outside the Joint Chiefs of Staff body with their concerns even though the legislation allows them to do so. During Peter Roman and David Tarr's research for their article "*The Joint Chiefs of Staff: From Service Parochialism to Jointness*", they make a significant point concerning the relationship between the Chairman and the Joint Chiefs of Staff:

Although the law provides for a chief's dissent to be forwarded to civilian authorities, in practice this does not happen frequently. The chiefs limit their dissent, for the most part, to the confines of the JCS. They seem to be satisfied

so long as they believe their views are being heard and considered. The chairman benefits from candid advice from the service chiefs and enjoys multiple advocacies from both service and joint views as he develops his own advice to the NCA. This may mean that the chairman now gets much better, unfettered advice from his chiefs than the Secretary of Defense or the President ever did under the old system. But relying solely on the chairman for military advice may run the risk that the Secretary of Defense, the NSC, and the President are less apprised of alternative options by not hearing the force of argument and differing military voices and views.¹⁶

One underlying issue in this statement by Roman and Tarr is: Are the President, the National Security Council, and Secretary of Defense now less likely to get the experience and mature leadership views from the Service Chiefs as the Chairman now dominates the advice role from an organization and structure perspective. Although there are differences of opinion on this subject and there are facts that could support either view, we need to investigate organizational structures to provide military advice that may not be personality or organizationally limiting as is the case now. However before addressing proposals for reform, the second major problem that effects advice is the issue of "Time". The paper will now cover whether the Service Chiefs have the time to devote to joint matters and advice, as they try to balance the duties of their service with their duties as members of the Joint Chiefs of Staff.

MILITARY ADVICE FROM THE JOINT CHIEFS OF STAFF: THE ISSUE OF: "TIME" -- BALANCING SERVICE AND JOINT DUTIES.

It has already been established that the issue of the Service Chiefs acting as members of the JCS was questioned and problematic before, during, and after the Goldwater-Nichols Reorganization Act of 1986. As recently as September 2002, the debate has risen again and has focused on whether there is enough time to fully execute the joint responsibilities when Service Chiefs are fully occupied with their service responsibilities. On 27 September 2002, the Commandant of the U.S. Marine Corps, General Jones, spoke out concerning this issue.

The Joint Chiefs of staff spend most of their time on service-related matters such as the organizing, training, and equipping of their forces, duties spelled out in Title 10 of the U.S. Code. But by focusing on internal service issues, the chiefs don't have as much time to spend discussing larger issues and reaching consensus opinions about broader policy matters. The roles and functions of the Joint Chiefs need to be re-examined and appropriately redefined in order to continue the tradition and expectation of being able to provide the best military advice to the Secretary of Defense and the President. Things have been better in recent months as the chiefs have been reviewing war plans and making recommendations to administration officials, but institutional changes may be needed to make certain the power of the Joint Chiefs is not eroded by other duties.¹⁷

This view of time limitations is not unique to General Jones. Another Service Chief, while not directly endorsing the comments by General Jones, did identify that the majority of his time is spent on service related requirements and issues, and it is challenging to balance the requirements as a Service Chief and requirements as a member of the Joint Chiefs of Staff.¹⁸

Shortly after the remarks from General Jones the departing Commandant of the U. S. Marine Corps, Senator Carl Levin, D-Michigan, the Senate Armed Services Committee Chairman, and Senator John Warner of Virginia, senior Republican on the committee stated Jones' comments show there could be more fundamental problems. Senator Levin and Warner stated they will order a Senate Armed Services Committee inquiry into the matter.¹⁹ If, in fact, the Service Chiefs spend the majority of their time accomplishing their Title 10 service responsibilities, then it can be argued that the advice to the National Command Authority can still be improved!

This is a complex issue to determine the quality of military advice for it is totally subjective and somewhat personality dependent. Would it be prudent to conduct a detailed review of the entire Goldwater-Nichols Reorganization Act of 1986 in response to the changing global environment or just focus on the advice issue alone? On the argument for no change (and consequently no review), it has been stated by numerous former Chairman Joint Chiefs of Staff/Combatant Commanders that the GNA has been successful. Most will say the proof is in the joint operations the Armed Forces have successfully conducted since the GNA. Assuming this statement is true, what is the basis of the alternative argument for change. The alternative argument can be built around the requirement of "Time". It is imperative that our senior military leaders have the time to provide the National Command Authority timely, accurate, and non-biased advice. With the recent release of the 2002 National Security Strategy that advocates preemptive action, the militaries increasing role within the National Strategy for Homeland Security, and the unprecedented focus on military transformation, it can be argued that our Service Chiefs are increasingly being occupied with too many critical and divergent responsibilities. General Jones, Commandant U. S. Marine Corps, stated, "some of it is us, as service chiefs, who sometimes allow ourselves to be captured by the inner workings of the service".²⁰ Is the Commandant of the U. S. Marine Corps shouldering the blame for an organizational system and structure that is not in balance and requires him to complete disparaging requirements?

CALL FOR REFORM

This paper advocates that the first issue the Senate Armed Services Committee staff reviews is the issue on how to provide the best military advice to the President, National Security Council, and the Secretary of Defense. At the heart of this issue is whether the dual-hatting responsibilities of the Service Chiefs, as members of the Joint Chiefs of Staff and leaders of their service, is the best organization structure that allows that advice to be developed and provided. Reviewing the roles and functions of the Services Chiefs and their additional responsibility as a member of the JCS are paramount for as stated before; dual-hatting creates conflicting responsibilities and time constraints. A system that requires a Service Chief to maintain service interest and joint interest in the available time the Service Chiefs possesses appears to be out of balance with the current complex environment and begs reform. Simply, a system that is not in balance will not allow the Service Chiefs/Joint Chiefs of Staff to institutionally provide the best advice to the National Command Authority, independent of the qualities of the individuals. The focus of the recommendation to review the dual-hatted responsibilities is not to assert that the senior military leaders are not providing quality advice, but whether the organization structure creates the institutional conditions that then lead to that best advice.

Senator Levin and Warner have stated they will order a bipartisan staff investigation on Jones' complaint.²¹ The question is: How will the staff investigation be outlined? During a telephone interview with a spokesperson at Senator John Warner's Washington Office on 17 December 2002, they outlined the general direction ordered by the senator stemming from the comments made by the Commandant of the U. S. Marine Corps, General Jones. The spokesperson indicated that Senator John Warner is very interested in holding bipartisan hearings that may include a broad review of the entire Goldwater-Nichols Reorganization Act of 1986.²² Although there is nothing out officially concerning the hearings and investigation, it is believed by the spokesperson that an investigation may be conducted early next year. Further, the spokesperson believed one of the objectives of the bipartisan investigation will be to assess the balance between the services' interest and the joint interest that has been very successful in the past.²³

To focus on the one issue of how to improve the military advice provided to the President, National Security Council, and Secretary of Defense may require a much broader review of just the dual-hatting issue discussed in the paper to date. This may entail a review of the organization of the Department of Defense, Service Secretaries, and the organizations and responsibilities to best implement the National Strategy for Homeland Defense. Much of this is

beyond the scope of this paper, but the paper makes the point that it would be difficult to just review the one provision of how to provide the best military advice without reviewing the entire Goldwater-Nichols Reorganization Act of 1986. Hence, the paper advocates that if the advice questioned is studied, then studying other parts of the Act would also be appropriate. However, the next part of the paper will now advocate an approach that focuses the second purpose of the Goldwater-Nichols Reorganization Act: To improve the military advice to the President, National Security Council, and Secretary of Defense.



FIGURE 1. (COLOR GUARD OF THE ARMED SERVICES OF THE UNITED STATES OF AMERICA)

RECOMMENDATION: NATIONAL MILITARY ADVISORY COUNCIL

This paper identified that there are conflicts between the Service Chief's interests and time, as they execute their responsibilities as leaders of their service and members as the Joint

Chiefs of Staff. This has impacted on their ability to provide advice to the President, National Security Council, and Secretary of Defense. This problem, while it has been recently identified by General Jones, is not new. As far back as in 1957, President Eisenhower observed that the military advice he was receiving was deficient due to “an excessive workload ... [and a] difficult mix of functions and loyalties and blamed ‘the system and not the member’ for the poor quality of advice [the Joint Chiefs of Staff] provided to the National Command Authorities.”²⁴

Although the Goldwater-Nichols Reorganization Act is credited by many to have improved the Department of Defense overall and the military advice to the President, the organizational problems caused by the Service Chiefs being dual-hatted remains. Even with this landmark legislation the Service Chiefs are still on the horns of the dilemma every time they are required to provide resource advice as a member of the JCS. The approach this paper recommends to solve the problem of the Service Chief’s dilemma is to establish a National Military Advisory Council (NMAC) to advise the President and Secretary of Defense in lieu of the Joint Chiefs of Staff. This proposal is not totally new for originally the NMAC proposal was submitted in 1982 from General Edward Meyers, U.S. Army Chief of Staff, during a time when the CJCS, General Jones also stated the JCS must change.²⁵

NMAC MAKE UP AND RESPONSIBILITIES

The National Military Advisory Council (NMAC) could provide some distinct advantages in an era that requires the Service Chiefs to provide leadership in an environment of increase operational and personnel tempo while facing tremendous resource challenges. Providing the best and timely military advice to the nation’s senior civilian leaders is always critical, and now since fewer presidents and members of Congress have completed military service, it is extremely critical. Establishing a NMAC is a more viable recommendation today, because it will be increasingly more difficult for the Service Chiefs to find the time to accomplish both of their requirements as Service Chiefs and members of the JCS. It is now time to define the structure and responsibilities of the NMAC.

The National Military Advisory Council (NMAC) would be led by a Chairman and made up of 4 four-star flag officers, one from each service and three civilians. The requirement on flag officers would be they would have to have served as a Combatant Commander or as a prior Service Chief or Vice to provide a diversity of military experiences. The three civilians would have a background in economics, foreign service, and Homeland Security. These three individuals reflect the growing importance of the economy to our national security, the need for political experience to improve interagency coordination, and the primacy of homeland defense.

The members of the NMAC would assume the roles, functions, and duties the Service Chiefs currently execute as members of the JCS. The NMAC would be supported by a joint staff, in the same manner as it is functioning today. The NMAC's staff would operationally and administratively mirror the composition of the current joint staff, as it includes all the necessary manpower, personnel, and administration support required to function as a corporate body. Although the establishment of the NMAC would be in fact a "defacto" joint staff, its leaders would change and focus broaden. These senior leaders would be focused on the issues required of the Service Chiefs today in their role as a member of the JCS without the time and parochialism constraints, as well as added expertise in economic, political and homeland security matters. The underlining NMAC premise is that the establishment of this expanded body would allow interaction with the Service Chiefs and the Combatant Commanders without the consternation of conflicting roles and functions. So, what are the specific advantages in establishing a NMAC?

NMAC ADVANTAGES

Creating this advisory council would mean that the Service Chiefs would no longer have their Joint Chiefs of Staff responsibilities, and this would allow them the appropriate time to more deeply focus on their inherent responsibilities required by Title 10. It would also allow them to rid the "loyalty issue" - the built in conflict of interest required when they possessed the Joint Chiefs of Staff responsibilities. The end state of this change would reflect the Service Chiefs' structure, responsibilities, and roles and functions as is law today, without the Joint Chiefs of Staff membership requirements. The establishment of a NMAC would reform and enhance the current JCS system while not disrupting the current positive aspects of the JCS system. During his article: "Beyond Goldwater-Nichols", Peter Chiarelli commented on the advantages of the similar proposal of the National Military Advisory Council, General Meyers submitted when he was the Chief of Staff of the U. S. Army. Peter Chiarelli said:

The major advantages of the NMAC over the current JCS system are threefold. First, the make-up of the council would end the perception that joint advice-especially resource advice-is inextricably linked to service parochialism and ignores economic realities. Second, it would offer cross-service operational resource advice to CJCS and civilian decision makers. Third, it would be a full time body whose members focused on the formation, implementation, and resourcing of a viable national military strategy designed to protect the U. S. interests in the post Cold War world.²⁶

As General Jones, Commandant of the U. S. Marine Corps, suggested, "institutional changes may be needed to make certain the power of the Joint Chiefs is not eroded by other duties."²⁷ It

is this institution change that this recommendation provides. The advantages of the NMAC are clear, but are there any disadvantages in establishing a NMAC.

NMAC DISADVANTAGES

The main disadvantage in establishing a NMAC would be the inherent controversy on the service members who would be selected for the positions. Although the make up of the NMAC is separate and distinct from the Service Chiefs, the members of the NMAC are flag officers who could have recently left their respective services. Former Service Chiefs could be eligible for selection as a NMAC member. This membership could prompt accusations from Congress that the NMAC is still parochial or still a “good old buddy system” with their Service Chief friends. It could be stated that the establishment of the NMAC is basically the same as the former JCS with just a new title. Another argument is the current dual-hatted Service Chiefs/JCS paradigm is desirable and productive the way it is presently instituted. It could be argued that the Service Chiefs’ present roles and functions provide them great insight of their individual services, and this is greatly sought-after when discussing and making decisions concerning joint issues. Another perspective is that Congress desires the dual-hatted paradigm. “Congress has been and will remain a major obstacle to JCS reform since it may have the most to lose. As a former special assistant to the Secretary of Defense has stated.”²⁸

The attitude of the Congress towards JCS has been essentially opportunistic. When it has appeared that there might be profit in it, members of Congress occasionally have tried to play off the chiefs against their civilian superiors, though usually without much success. As a whole, the Congress has appeared happy to have JCS remain a weak compromise organization.²⁹

The above sentiment in Congress could still hold true and be the same basis for why the JCS is not abolished and replaced by a NMAC.

REFORM DECISION

The decision on reforming the DoD is clearly upon the shoulders of the Congress. The Goldwaters-Nichols Reorganization Act of 1986 was a landmark move towards DoD reform. The challenge in these uncertain times is to improve the legislation in order to improve the DoD. The scope of this paper has been to critically examine the Service Chiefs’ dual-hatted responsibilities and recommend a course of action to effectively resolve this dilemma. The thesis of this paper focused directly on the question: Has the Goldwater-Nichols Department of Defense Reorganization Act of 1986 created the organizational structure that best allows military advice to be provided to the President, National Security Council, and Secretary of Defense? The answer is while advice has improved, this paper further concluded that

organizational reform is needed to improve the success from the 1986 GNA and posture the nation and its military towards the distinct challenges of the 21st Century.

The establishment of the National Military Advisory Council would more realize the second purpose of the Goldwater-Nichols Reorganization Act of 1986: To improve the military advice to the President, National Security Council, and Secretary of Defense. Today, as our world is evolving with complex and difficult strategic problems, the Department of Defense must stay in step with these challenges. To institute true transformation in the Department of Defense the current administration will have to initiate reform. The time is right for a review and update to the Goldwater-Nichols Reorganization Act of 1986. The NMAC is the first step to reform and will help pave the way for the entire Goldwater-Nichols Reorganization Act review. The National Military Advisory Council initiative will help improve the advice to the President, National Security Council, and Secretary of Defense and ultimately enhance our national security. The military members in Figure 1 deserve no less than the advice of senior leaders who have the time and independence to make the proper judgments.

WORD COUNT= 6594

ENDNOTES

¹ Goldwater-Nichols Department of Defense Reorganization Act of 1986. Statutes at Large 100 (1986). Chapter 5, sec 151. Title 10, United States Code: Armed Forces, Section 151-155. Hereafter referred to as Goldwater-Nichols.

² John M. Shalikashvili, "A Word from the Chairman." Joint Force Quarterly 13 (Autumn 1996) 1-6.

³ Peter J. Roman; David W. Tarr, "The Joint Chiefs of Staff: From Service Parochialism to Jointness" Political Science Quarterly (Spring 1998): 91-95

⁴ Peter W. Chiarelli, "Beyond Goldwater-Nichols" Joint Force Quarterly 2 (Autumn 1993) : 71-81.

⁵ David C. Jones, "Past Organizational Problems" Joint Force Quarterly 13 (Autumn 1996) : 23-28.

⁶ Ronald H. Cole et al., The Chairmanship Of The Joint Chiefs Of Staff. (Washington, D. C.: Library of Congress Cataloging-in-Publication Data, 1995), 25-29

⁷ Ibid

⁸ Goldwater-Nichols. Passim.

⁹ Cole, 205-210

¹⁰ Goldwater-Nichols. Section 151-155.

¹¹ Chiarelli, 76.

¹² Goldwater-Nichols. Section 161-165.

¹³ Chiarelli, 71

¹⁴ Colin L. Powell, "The Chairman as Principal Military Advisor" Joint Force Quarterly 13 (Autumn 1996): 29-31

¹⁵ Goldwater-Nichols. Section 151.

¹⁶ Roman and Tarr, 109-111

¹⁷ Patrick Halton <Patrick.Halton@carlisle.army.mil>, "Commandant remark launches Senate Armed Services Committee inquiry" electronic mail message to Edward.Cawthon@carlisle.army.mil, 28 September 2002.

¹⁸ Member of the Joint Chiefs of Staff. Confidential interview by author, 2002.

¹⁹ Senator John Warner's Spokesperson, telephone interview by author, 17 December 2002.

²⁰ Patrick Halton <Patrick.Halton@carlisle.army.mil>, "Commandant remark launches Senate Armed Services Committee inquiry" electronic mail message to Edward.Cawthon@carlisle.army.mil, 28 September 2002.

²¹ Ibid.

²² Senator John Warner's Spokesperson, telephone interview by author, 17 December 2002.

²³ Ibid.

²⁴ Chiarelli, 71.

²⁵ Ibid, 71-72.

²⁶ Ibid.

²⁷ Patrick Halton <Patrick.Halton@carlisle.army.mil>, "Commandant remark launches Senate Armed Services Committee inquiry" electronic mail message to Edward.Cawthon@carlisle.army.mil, 28 September 2002.

²⁸ Chiarelli, 80.

²⁹ Ibid.

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